



STATE OF MICHIGAN

SUPREME COURT

143914(16)

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee

V

ROBERT WINBURN  
Defendant-Appellant

SC: 143914  
COA: 303223  
Wayne CC: 91-007478-FC

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STATEMENT BY MARKMAN, J., REGARDING MOTION FOR  
DISQUALIFICATION

December 7, 2011

MARKMAN, J. Defendant filed a motion pursuant to MCR 2.003, seeking my disqualification because he alleged that the instant appeal pertaining to his conviction for a 1990 murder involves overlapping facts with a criminal investigation of defendant, which I was alleged to have reviewed in 1992 as the United States Attorney. I denied this motion, explaining that “defendant has established no connection between the facts of the 1990 murder that are currently in dispute and the circumstances of the drug investigation in 1992, except that defendant was involved in both matters.” Defendant has now filed a motion for “clarification of material facts. In this motion, defendant expands upon the record and presents new evidence supporting his previously unexplained and unsubstantiated assertion that there are “overlapping facts” between the two matters. This evidence, in my judgment, does establish a connection between the instant appeal-- in which I would participate as a judge-- and the prior criminal investigation-- in which I participated as prosecutor. Under these circumstances, I believe that my disqualification is warranted, and accordingly I recuse myself from the consideration of this matter.